

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON, PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON, ) NO. 3:18-cv-01477-JR  
LINDSAY ELIZABETH, and HEATHER )  
HENDER, individually and on )  
behalf of others similarly )  
situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
NIKE, INC., an Oregon )  
corporation, )  
 )  
Defendant. )  
\_\_\_\_\_ )

AFTERNOON SESSION  
REMOTE VIDEOTAPED DEPOSITION OF LINDSAY ELIZABETH  
Palm Desert, California  
Monday, January 11, 2021

Reported by:  
Heidi Hummel-Grant  
CSR No. 12556  
Pages 119 - 278

1 question. 03:04

2 The Apparel Designer I Jordan position that  
3 you started in in January of 2017, do you know if  
4 there was formerly someone in that role who left or  
5 moved to a new role or if they created that job 03:04  
6 opening for you?

7 MR. BLAKE: Objection. Compound.

8 THE WITNESS: That's a -- a trick -- trick  
9 question in the sense that -- so they had posted  
10 for a senior designer. And when they were not able 03:05  
11 to fill the role for senior designer, they told me  
12 that they wanted to promote from within and that  
13 they were going to create a new Designer I position  
14 instead of hiring a senior designer. That is what  
15 I was told. 03:05

16 I was not told whether or not the position  
17 was being made for me. And the intention of that  
18 position -- yeah, that's -- that's all I -- that's  
19 what I know about that.

20 MS. DAVIS: Okay. 03:05

21 Q Do you know if other people applied for  
22 the Apparel Designer I role?

23 MR. BLAKE: Objection. Vague and ambiguous.

24 THE WITNESS: I was not aware at the time  
25 that other people had applied for it. But I was 03:06

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1       made aware after that someone else -- at least one       03:06  
2       other person had.

3               MS. DAVIS:

4               Q     Who was that?

5               A     I don't know his name.     But       03:06  
6       Devon Burke -- Devon Burke, Burt -- the man who  
7       became my -- my manager when I moved to Nike told me  
8       that his son had applied for that role and did not  
9       get it.

10              Q     Okay.       03:06  
11              And you were selected over his son?

12              A     Yes.

13              Q     Okay.

14              With whom did you interview for the role, if  
15       you recall?       03:07

16              A     It was Michelle Baernkopf, Kenny Matias,  
17       Doug -- Barcliff? I don't know, Doug -- Doug.  
18       There was another man, and I can't put a -- I can't  
19       remember his name right now, he was product manager.  
20       And John -- I think John -- yeah, John Burlo as       03:07  
21       well.

22              Q     Okay.

23              Anyone else?

24              A     That's all I can remember.

25              Q     Okay.       03:08

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1 Did you discuss compensation at all during 03:08  
2 the interview process?

3 MR. BLAKE: Objection --

4 THE WITNESS: No.

5 MR. BLAKE: -- vague. 03:08

6 MS. DAVIS: Did you get the answer, Court  
7 Reporter?

8 THE REPORTER: Yes, I got the answer: No.

9 MS. DAVIS: Thank you. All right. Okay.

10 We'll mark this as Exhibit 116. 03:09

11 (Exhibit 116 was marked for identification,  
12 a copy of which is attached hereto.)

13 MS. DAVIS: Exhibit 116 is a two-page  
14 document, Bates stamped Nike14657 through 14658.

15 Q Do you recognize Exhibit 116? 03:09

16 A Vaguely.

17 Q Okay.

18 Is exhibit 116 the off -- your offer letter  
19 to join Nike in the role of Apparel Designer I  
20 Jordan in January of 2017? 03:09

21 A Okay.

22 Q I'm asking you if it is.

23 A Is -- what's the question? If it was my  
24 offer letter for that position?

25 Q Yes. Is Exhibit 116 the offer letter 03:10

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1 you received from Nike offering you the role of 03:10  
2 Apparel Designer I Jordan with a start date of  
3 January 17th, 2017?

4 A Yes.

5 Q Okay. 03:10

6 When you received this offer letter, had  
7 someone at Nike already verbally extended the offer  
8 to you?

9 A Yes.

10 Q Who had done that? 03:10

11 A Michelle.

12 Q Okay.

13 And what did Michelle tell you?

14 A She told me that I had been selected for  
15 the job, and we talked about compensation. 03:10

16 Q Okay.

17 What did you and Michelle discuss related to  
18 compensation?

19 A She told me what they were offering and  
20 that they were unwilling to negotiate, she felt like 03:11  
21 it was -- the pay was within the typical pay range  
22 but a little bit low, and even though they had said  
23 they were unwilling to negotiate, that I should  
24 still try and I should still ask for more.

25 Q Okay. 03:11

1           And what did she tell you was the rate they           03:11  
2       were going to offer you?

3           A     She said 67,000.

4           Q     Okay.

5           And 67,000 is the rate reflected in           03:11  
6       Exhibit 116; correct?

7           A     Correct.

8           Q     All right.

9           And did you try to negotiate that rate?

10          A     I did.   03:11

11          Q     With whom?

12          A     With Michelle.

13          Q     Okay.

14          And what did you tell Michelle?

15          A     I said that I would still like to ask           03:12  
16       for a little bit more than that, and so I asked for  
17       73,000.

18          Q     Okay.

19          And did Michelle respond to your request?

20          A     As far as I know she asked for that on       03:12  
21       my behalf.

22          Q     Okay.

23          And what was the response that -- as far  
24       as -- from your perspective?

25          A     The response was that they were           03:12

1 unwilling to negotiate and that I could take it or 03:12  
2 leave it.

3 Q Okay.

4 Do you know what the -- did she tell you  
5 what the 67 -- how they arrived at the number of 03:12  
6 67,000?

7 A No.

8 Q Okay.

9 Do you have any facts that you believe would  
10 show that your offer was 67,000 because of your 03:12  
11 gender?

12 MR. BLAKE: Objection. Vague and ambiguous.

13 MS. DAVIS:

14 Q Go ahead.

15 A I don't -- I don't know. I don't -- I 03:13  
16 can't remember.

17 Q Okay.

18 Do you know who made the decision to offer  
19 you the job?

20 A No. 03:13

21 Q Do you know who made the decision on  
22 your compensation?

23 A No.

24 Q Did you receive a signing bonus?

25 A I don't think so, no. 03:13

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CERTIFICATION OF CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

The foregoing proceedings were taken before me remotely at the time set forth;

That any witnesses in the foregoing proceedings, prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction;

Further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any of the parties.

IN WITNESS WHEREOF, I hereby subscribe my name this 26th day of January, 2021.



Heidi Hummel-Grant

Certified Shorthand Reporter No. 12556



Cahill, et al v. Nike  
Lindsay Elizabeth Deposition Errata


<b>Page : Line</b>	<b>Reads</b>	<b>Should Read</b>	<b>Reason</b>
30:10-11	"24 Nation"	24 Notion	To clarify details and correct an inadvertent error
43:12	"No."	"I did not supervise any Summit employees. However, I did supervise contractors when we brought them on to assist with our workload. I would give them feedback on their tasks and ensure that they completed them correctly."	To clarify and provide additional details
67:1	"Phil Hodgson"	Jared Brandt	To correct a transcription error
73:15-18	"These were things that I had not left around -- she would single me out, and she would frustratingly be like, 'Why haven't you cleaned this? Can you please clean this up?'"	"These were things that I had not left around and she would single me out. She would frustratingly say, 'Why haven't you cleaned this? Can you clean this up?'"	To clarify details and correct an inadvertent error
81:16-18	"Stevenson"	Stephenson	To correct a transcription error
95:16	"Jerry"	Jared	To correct a transcription error
183:15	"She wasn't in a director role, but she was still doing a lot of the design work."	"She was in a director role, but she was still doing a lot of the design work."	To correct a transcription error

Cahill, et al v. Nike  
Lindsay Elizabeth Deposition Errata

Page : Line	Reads	Should Read	Reason
276:12	"No."	"No. I am not individually seeking emotional distress damages."	To clarify and provide additional details

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 02 / 19 / 2021 in 02/19/2021.

  
\_\_\_\_\_  
Lindsay Elizabeth